

### **REMARKS**

The Office Action dated April 22, 2005 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto. Claims 1, 4, 6, 9-12, 16-19, 21, 23-47, 49-52, and 55-60 are currently pending in the application. The Office Action indicated that claims 6, 11, 12, 16-19, 21, 23-47, 49-52, and 55-60 have been allowed. Applicants wish to thank the Examiner for the allowance of these claims. Claims 1, 4, 9, and 10, however, are respectfully submitted for further consideration.

Claims 1, 4, 9, and 10 were rejected under 35 U.S.C. §102(e) as being anticipated by Baker (U.S. Patent No. 6,292,494). The rejection is respectfully traversed for the reasons which follow.

Claim 1, upon which claims 4, 9, and 10 are dependent, recites a method including activating a node of a computer network such that the node first attempts to establish contact with other nodes that may exist within the computer network by cycling through a set of common channels for communication within the computer network. The node, at each channel, attempts to establish contact by transmitting a request packet including a code identifying the network thereon. After transmitting a request packet on one of the common channels, the node listens for a response packet before proceeding to a next one of the common channels. Upon receiving a response packet including the code identifying the network first transmitted by the request packet from one of the other

nodes, the node enters a synchronization mode and joins the computer network. If unsuccessful in establishing contact with other nodes, then the node establishes itself as a single node network.

As will be discussed below, Baker fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the features discussed above.

Baker discloses a method of information transmission over a medium for a wireless communication system of a network of stations capable of sending and receiving data transmissions over a number of communication channels of the medium. Data transmission is sent in packets including a header portion and a data portion. The header portion includes identification information for the network, identification of the next channel to be used in communications, an address, a channel busy count field, and a network command. A protocol establishes and maintains communications between stations or members of the network. The protocol established is configured to manage a number of stations on a peer-to-peer basis. Higher network functions are performed by upper layers of software used by the stations in the networks.

Applicants respectfully submit that Baker fails to disclose or suggest critical and non-obvious elements of present claim 1. Specifically, Baker does not disclose or suggest that the network node enters synchronization mode and joins the computer network **after receiving a response packet**, as recited in present claim 1. Although Baker discloses that a station enters a synchronization (SYNC) state, this SYNC state must be entered **before** the station attempts to establish contact with other stations.

Specifically, Baker states that “a station enters the SYNC state when, it is first powered on, an unrecoverable error occurs, or the station has lost the network” (Baker, Column 7, lines 27-29). In contrast, according to the present invention, the node enters synchronization mode after receiving a response packet and it is ready to join the network. While according to Baker, on the other hand, once a station has located and joined the network, it enters the idle state (Baker, Column 7, lines 57-58). Therefore, Baker fails to disclose or suggest that the network node enters synchronization mode and joins the computer network **after receiving a response packet**.

Furthermore, Applicants respectfully submit that Baker fails to disclose or suggest that the node establishes itself as a single node network if it is unsuccessful in establishing contact with other nodes, as recited in claim 1. According to Figure 2 of Baker, the station will continue to attempt to search the channels for other stations until it has searched all of the available channels (Baker, Column 9, lines 1-5). Also, if the station is the first station on the network, the station will alternate between the SYNC state and the idle state until a second station enters the network (Baker, Column 9, lines 11-14). Baker does not make any mention of the node establishing itself as a single node network. Thus, Baker also fails to disclose this element of claim 1.

Applicants note that claims 4, 9 and 10 are dependent upon claim 1. Therefore, claims 4, 9, and 10 should also be allowed for at least their dependence upon claim 1, and for the specific limitations recited therein.

Applicants respectfully submit that the cited prior art fails to disclose or suggest critical and important elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that claims 1, 4, 9, and 10 be allowed, in addition to allowed claims 6, 11, 12, 16-19, 21, 23-47, 49-52, and 55-60, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time